IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 3RD NOVEMBER 2006 / 12TH KARTHIKA 1928

WP(C).No. 26362 of 2006(L)

PETITIONER:

SUJAMOL B.V., AGED 29,
W/O.VINOD, RESIDING AT CHARUVILA VADAKETHIL,
NELLIMUKAL P.O., MANAKKALA, ADOOR.

BY ADV. SRI.K.MOHAN
SRI.G.JAYANANDA PAI
SRI.BAIJU JOSEPH

RESPONDENTS:

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1. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION,
PATHANAMTHITTA.

2. THE PUBLIC SERVICE COMMISSION,
REP. BY ITS SECRETARY,
PUBLIC SERVICE COMMISSION OFFICE,
PATTOM, THIRUVANANTHAPURAM.

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

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W.P.(C) No. 26362 of 2006

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Dated this the 3rd day of November, 2006

JUDGMENT

Petitioner had applied for the post of High School Assistant (Physical Science) in Malayalam Medium in response to the notification issued by the Kerala Public Service Commission. In fact, petitioner had passed the written test and her name was included in the short list. It is admitted that the interview board had conducted interview of all other candidates included in the short list on September 22, 2006. According to the petitioner, she could not participate in the interview since she had not been served with any notice. On the next day of the interview, petitioner approached the Chairman of the Commission at Pathanamthitta and submitted Ext. P2 representation requesting to afford her another chance to appear for the interview. However the request was not apparently acceded to. It is in the above circumstances that the petitioner has preferred this writ petition with a prayer to issue a writ of mandamus or such other appropriate writ order or direction to the Commission to invite her for the interview either by reconstituting the same

interview board which conducted the interview at Pathanamthitta District Public Service Commission office or by any other board constituted for other districts.

2. In the counter affidavit, it is averred that individual notice to the petitioner was sent as in the case of other candidates. More importantly the schedule for interviews for the month of September had been published in the PSC bulletin and also in Mathrubhumi daily dated September 14, 2006. Ext. R1(a) and R1(b) are true photocopies of the bulletin and the newspaper report respectively.

3. It is contended by the petitioner that the Commission was bound to issue individual notice to all the candidates included in the short list. It cannot be assumed that any candidate will deliberately keep away from the interview if he/she had received the notice. The very fact that the petitioner had approached the Commission on the next day of the interview undoubtedly shows that the petitioner had been vigilant. It is

contended by the learned counsel that in the peculiar facts and circumstances of the case, the Commission ought to have given an opportunity to the petitioner to take part in the interview.

4. It has been asserted in the counter affidavit that individual notice had been issued to the petitioner along with other candidates. Apart from the above, it is also on record that the commission had published Ext. R1(a) and R1(b) PSC news bulletin and newspaper publication informing the candidates about the schedule of interview. That being the petition it cannot be said that the commission had not complied with the prescription contained in the Manual or the rules as the case may be. Rule 107 of the Kerala Public Service Commission manual, prescribes that letter of interview should be issued to candidates at least 15 days before the date of interview fixed for the post as far as possible (emphasis supplied).

5. It is unfortunate that the petitioner had missed the bus. But petitioner's misfortune cannot persuade this court to

saddle the commission with an added responsibility to hold interview specially for the petitioner. Though petitioner has pressed into services Ext. P3 letter allegedly issued by the local post office in support of her case that no postal cover had come to the address of the petitioner from the office of the commission, I am not impressed with the said document which is apparently a self-serving one. Having perused to the said document, I am not satisfied that any reliance can be placed on it.

In the above facts and circumstances, no relief can be granted to the petitioner. Writ Petition is accordingly dismissed.

A.K. BASHEER,
JUDGE

csl